

08/807-506

1648 COA/1600

Corr. filing Receipt
Sent: 04-02-02

**CONTINUED PROSECUTION PATENT
APPLICATION TRANSMITTAL**

(for Continued Prosecution Applications
under 37 C.F.R. §1.53(d))

Attorney Docket No. 7392/71226

First Named Inventor or Application
Identifier:

SMIT et al.

#25
Reg. CPA
Filing
4/9/02

**REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)
UNDER 37 C.F.R. §1.53(d)**

RECEIVED

APR 05 2002

TECH CENTER 1600/2900

Box CPA)
Commissioner of Patents and Trademarks)
ATTENTION: Assistant Commissioner for Patents)
Washington, D.C. 20231)

Sir:)

This is a request for filing a Continued)
Prosecution Application (CPA) under 37 C.F.R.)
§1.53(d) which is a:)

☒ Continuation application,)

☐ Divisional application,)

of pending prior non provisional application number 08/807,506, filed on February 27, 1997, entitled GRADUAL MODIFICATION, SUPER-AGONISTS AND ANTAGONISTS OF SIGNAL-PROTEINS AND PEPTIDES, by the following named inventor(s) identified by full name, citizenship, residence, and post office address, which are the same or fewer than all of the inventors named in the prior nonprovisional application (as of today's date):

Victor SMIT
Vinkenlaan 29
NL-2623, GG DELFT, the Netherlands
Citizenship: the Netherlands

Willem HUPPES
Loosdrechtseweg 44
NL-1215 JX, Hilversum, the Netherlands
Citizenship: the Netherlands

04/03/2002 CNGUYEN 00000045 061135 08807506

01 FC:131 740.00 CH

The above-identified prior nonprovisional application, in which no payment of the issue fee, abandonment of, or termination of proceedings, has occurred, is hereby expressly abandoned as of the filing date of this request for a continued prosecution application. Please use the file jacket and all the contents of the prior nonprovisional application, including the specification, drawings, and the oath or declaration, as the basic papers for the new continued prosecution application. (Note: 37 C.F.R. §1.53(b) may be used for applications where the prior application is not to be abandoned.)

1. ☐ Because this continued prosecution application is being filed by fewer than all of the inventors named in the prior nonprovisional application, please delete from this application the following inventor(s) named in the prior nonprovisional application:

2. ☒ Priority of application number 9401404 filed on August 31, 1994 in The Netherlands is claimed under 35 U.S.C. §119.

☒ The certified copy of the priority document has been filed in the PCT phase to this application and reported to the USPTO.

☐ A certified copy of the priority document is enclosed.
3. ☒ The prior nonprovisional application is assigned of record to Pharma Key B.V..
4. ☐ An Information Disclosure Statement is enclosed.

☐ A Form PTO-1449 is enclosed.

☐ _____ References (copies) listed on the Form PTO-1449 are enclosed.
5. ☐ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
6. ☒ A Return Receipt Postcard is enclosed (MPEP §503).

8. ☒ The power of attorney in the prior nonprovisional application is to:
- ☒ Kendrew H. Colton, Registration No. 30,368
FITCH, EVEN, TABIN & FLANNERY
Suite 401L
1801 K Street, N.W.
Washington, D.C. 20006-1201
and other members of the firm.
- ☐ Customer Number 22242.
9. ☐ A new power of attorney or authorization of agent is enclosed.
10. ☐ Enter the amendment previously filed on _____ under 37 C.F.R. §1.116, but unentered, in the prior nonprovisional application.
11. ☒ A preliminary amendment to the prior nonprovisional application (as it existed prior to the filing of this new application) requesting new changes to the prior nonprovisional application is enclosed, and does not introduce new matter into the prior or new application.
12. ☒ The filing fee is calculated below:

Fee Calculation under 37 C.F.R. §1.16 for Claims Existing in the Prior Nonprovisional Application, As Amended at 10 and 11 Hereinabove

Basic Utility Fee					\$740.00	\$	740.00
Independent Claims	_____	-	3	=	0	x	\$ 84.00 = \$ 0.00
Total Claims	_____	-	20	=	0	x	\$ 18.00 = \$ 0.00
Fee for Multiply Dependent Claims					\$ 280.00		

or

Basic Design Fee		\$ 330.00		
		Total Filing Fee	\$	740.00

- ☐ Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to: \$ 0.00

13. ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
14. ☒ Charge \$ \$740.00 to Deposit Account No. 06-1135.
15. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.


16. ☐ Also enclosed:

17. ☒ Address all future communications to Customer Number 22242.

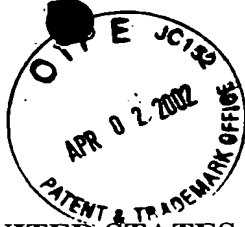


It is understood that confidentiality by the applicant(s) under 35 U.S.C. §122 is hereby waived to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning either the prior nonprovisional application, or any continuing application filed under 37 C.F.R. §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

April 2, 2002
Date


Kendrew H. Colton
Registration No. 30,368
☒ Attorney or agent of record
☐ Inventor(s)
☐ Assignee
☐ Filed under §1.34(a)

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#26 (CPR)
4/9/02
[Signature]

PATENT

Attorney Docket No. 7392/71226

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

APR 05 2002

SMIT et al.

Art Unit: 1648

TECH CENTER 1600/290

Application No.: 08/807,506

Examiner: R. Budens

Filed: February 26, 1997

For: GRADUAL MODIFICATION, SUPER-AGONISTS AND ANTAGONISTS OF
SIGNAL PROTEINS AND PEPTIDES

April 2, 2002

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to the examination of the above-identified patent application, please enter the following amendments and consider the following remarks.

IN THE CLAIMS:

Please amend and/or add claims:

G¹ 126. (Amended) The substance according to claim 125, comprising application of a preparation that is a modified signal substance or a modified signal substance being a zinc binding signal peptide, wherein said modified signal substance comprises interleukin 3.

128. (Amended) The method according to claim 125, comprising application of B-cell apoptose inducing substances, preferably APO-1 and/or application of TGF- β as inhibitor of B-cell antibody production.

G² cont'd 129. (Amended) A method for stimulating stem cell-replication comprising application of a preparation that is a modified signal substance or a modified signal substance being a zinc binding signal peptide, wherein said modified signal substance comprises